

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MICHEL RIDGLEY,)	
Plaintiff)	
)	
v.)	Civil Action 5-1033 (GK)
)	
ELAINE CHAO)	
Defendant)	

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTIONS FILED 8/16/05

Comes now plaintiff, through counsel and states as follows:

I. VENUE

The action is properly brought in this court for the following reasons:

- Plaintiff filed a union grievance over matters related to the discriminatory conduct alleged in paragraphs 7 and 8 of the complaint. The records related to the grievances are maintained and administered in Washington DC.

- Management officials of the defendant ordered an investigation of the discriminatory conduct alleged in paragraphs 7 and 8 of the complaint to be performed by the Human Resources Department. The records related to this conduct are maintained and administered in Washington DC.

- Plaintiff sought EEO counseling and subsequently filed a formal complaint directly related to the discriminatory conduct alleged in paragraphs 7 and 8 of the complaint. The records related to this conduct are maintained and administered at the civil rights office of the defendant in Washington DC.

II. CLAIMS

The defendant's version of the status of the record is not accurate. The EEO files referred in paragraphs 7 and 8 of the complaint (CRC 00 11 152 and CRC 03 11 111 respectively) contain all the information defendant is requesting in its motion for a more definite statement. The defendant lacks nothing from the incorporation by reference because those files are in its possession with the civil rights office. Indeed, that office WROTE the above mentioned claims. Only claims brought to the attention of the civil rights office may be the subject of a subsequent federal court case. It strains credulity to state that the defendant is unaware of the contents of documents it drafted.

Notwithstanding the above, it seems easier to file a supplemental pleading that it is to litigate that issue.

III. MORE DEFINITE STATEMENT

Plaintiff requests leave to file a more definite statement under the principal stated in Rule 15(a) where in such amendments "shall be freely given". In the absence of prejudice, leave should be granted *FORMAN v DAVIS* 371 US 178, 182 (1962). There can be no claim of prejudice here as the defendant has requested such relief in the alternative.

In light of the foregoing, the motion to dismiss should be denied and the parties joint request for a more definite statement should be granted.

MICHEL RIDGELY
By Counsel

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ORDER

Upon consideration plaintiff's request for leave to file a more definite statement, and the record in this matter, it is hereby ORDERED, that on or before September 9, 2005, plaintiff shall a file a short and plain statement of his complaint, which includes the following information:

(1) What specific wrongful act or acts does the Plaintiff allege were discriminatory or retaliatory,

(2) On what basis (e.g., age, race or sex) was each act allegedly discriminatory,

(3) Who committed each of the allegedly wrongful acts.

(4) When and where did the allegedly wrongful acts occur.

It is further ORDERED that defendant shall file a response or answer to the more definite statement within 60 days of its filing.

Date:

UNITED STATES DISTRICT JUDGE